

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSE ALBERTO MARTINEZ HERNANDEZ,
ROBERTO JULIAN, ELIAS ROJAS, AGUSTIN
VALERIANO, EMILIO JEREMIAS RAMIREZ
ROJAS, and PRIXCO SORIANO, *individually
and*

on behalf of others similarly situated,

Plaintiffs,

-against-

EAST WINGERS INC. (d/b/a BEST WINGERS)

and KUNJ PATEL,

Defendants.

17-cv-2176 (ALC)

DEFAULT JUDGMENT

ANDREW L. CARTER, JR., United States District Judge:

Plaintiffs bring this action against Defendants EAST WINGERS INC. (d/b/a BEST WINGERS) and KUNJ PATEL alleging violations of the Fair Labor Standards Act and New York Labor Law. Defendants' counsel withdrew from this case on May 31, 2022. The Clerk of Court entered Certificates of Default as to both Defendants on August 23, 2022. (See ECF Nos. 132–33.) Plaintiffs moved for default judgment on September 16, 2022. (ECF Nos. 136–138.)

On October 4, 2022, the Court issued an Order to Show Cause why an order pursuant to Fed. R. Civ. P. 55 entering default judgment should not issue. (ECF No. 139.) Defendants were advised that failure to respond to the Order to Show Cause would be grounds for granting a default judgment in Plaintiff's favor. To date, Defendants have not responded to the Order to Show Cause or otherwise participated in this action.

Accordingly, having considered the Memorandum of Law and Affidavit of Clela A. Errington in support of the motion for default judgment, the Summons and Amended Complaint previously filed in this action, and the affidavits of service thereof, it is hereby **ORDERED** that

judgment be entered in Plaintiffs' favor against Defendants on all counts of Plaintiff's Amended Complaints as to liability.

SO ORDERED.

Dated: May 1, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge